

Exhibit A

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

HEATHER SENGBUSCH
262 Weiss Street
Buffalo, New York 14206

SUMMONS

Index No.: _____

Plaintiff,

vs.

MLADEN PLJEVANCIC
802-72 Gamble Avenue
Toronto, Ontario M4K2H1

AIM TRANSPORTATION SERVICES, LLC
1407 Oregon Street
Waterloo, Iowa 50702

Defendants.

To the above-named Defendants:

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon the plaintiff's attorney, at the address stated below, a written Answer to the attached Complaint.

If this Summons is served upon you within the State of New York by personal service you must respond within **twenty** (20) days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York you must respond within **thirty** (30) days after service is completed, as provided by law.

If you do not respond to the attached Complaint within the applicable time limitation stated above a Judgment will be entered against you, by default, for the relief demanded in the Complaint, without further notice to you.

This action is brought in the County of Erie because of the residence of the plaintiff and location of the subject motor vehicle collision.

DATED: Buffalo, New York
July 13, 2022

Yours, etc.



Brian J. Alterio, Esq.
SMALL LAW FIRM
Attorneys for Plaintiff
1904 Liberty Building
Buffalo, New York 14202
(716) 847-2600

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

HEATHER SENGBUSCH,

COMPLAINT

Plaintiff,

Index No.: _____

vs.

MLADEN PLJEVANCIC
AIM TRANSPORTATION SERVICES, LLC,

Defendants.

Plaintiff, Heather Sengbusch, by and through her attorneys, Small Law Firm, as and for her complaint against defendants, Mladen Pljevacic and Aim Transportation Services, LLC, hereby alleges as follows:

1. By virtue of the application of the exemption listed in Section 1602(6) of Article 16 of the CPLR, the limitations on liability imposed by that Article do not apply to the cause(s) of action set forth herein.

2. At all times hereinafter mentioned, plaintiff, Heather Sengbusch, was and is a resident of the City of Buffalo, County of Erie, and State of New York.

3. Upon information and belief and at all times hereinafter mentioned, defendant, Mladen Pljevacic, was and still is a resident of the City of Toronto, Providence of Ontario and Country of Canada.

4. Upon information and belief and at all times hereinafter mentioned, defendant, Aim Transportation Services, LLC is a trucking company with offices located at 1407 Oregon Street, Waterloo, Iowa 50702.

5. Upon information and belief and at all times hereinafter mentioned, defendant, Aim Transportation Services, LLC was and is a domestic limited liability company organized and existing pursuant to the laws of Iowa and is authorized to do business in the State of New York, and in fact, does business in the State of New York through its officers, agents and employees.

6. Upon information and belief and at all times hereinafter mentioned, defendant, Mladen Pljevacic, committed a tortious act that is discussed hereinafter while in the scope of his employment with defendant, Aim Transportation Services, LLC.

7. Upon information and belief and at all times hereinafter mentioned, defendant, Aim Transportation Services, LLC, its agents, servants and employees, did commit a tortious act within the State of New York causing injuries to the plaintiff, Heather Sengbusch, as described hereinafter.

8. Upon information and belief and at all times hereinafter mentioned, defendant, Aim Transportation Services, LLC, its agents, servants and employees, did transact business within the State of New York, including without limitation, the County of Erie.

9. Upon information and belief and at all times hereinafter mentioned, defendant, Aim Transportation Services, LLC, its agents, servants and employees, expected or reasonably should have expected its acts to have consequences in the State of New York and at that time, said defendant did derive substantial revenue from interstate commerce.

10. Upon information and belief and at all times herein mentioned, plaintiff, Heather Sengbusch was the owner and operator of a 2013 Honda automobile bearing New York State license plate number HDY9913.

11. Upon information and belief and at all times herein mentioned, defendant, Mladen Pljevacic, was operating a 2003 Volvo tractor trailer bearing Iowa State license plate number GE 7851.

12. Upon information and belief and at all times herein mentioned, defendant, Mladen Pljevacic, was operating the aforesaid tractor trailer with the knowledge, consent and permission of said company, Aim Transportation Services, LLC.

13. Upon information and belief and at all times herein mentioned, defendant, Mladen Pljevacic, was an employee of defendant, Aim Transportation Services, LLC.

14. Upon information and belief and at all times herein mentioned, defendant, Aim Transportation Services, LLC, was the owner of the aforesaid tractor trailer bearing Iowa State

license plate number GE 7851.

15. That Bailey Avenue is a public and much-traveled thoroughfare within the City of Buffalo, County of Erie and State of New York.

16. That on or about July 2, 2020, the aforesaid vehicles came into contact and collision.

17. That said collision was caused solely due to the negligence, carelessness and recklessness on the part of the aforesaid defendant driver and not by reason of any negligence on the part of the aforesaid plaintiff.

18. That said collision took place because the aforesaid defendant driver failed to: exercise due care; keep a proper lookout; keep his vehicle under safe and proper control as required by law travel at a safe and prudent speed; and failed to take evasive action to avoid the subject collision.

19. That under the doctrine of *respondeat superior*, defendant, Aim Transportation Services, LLC is vicariously liable for the negligence of its agents, servants and/or employees, including but not limited to defendant, Mladen Pljevacic.

20. That as a result of the foregoing, said plaintiff has sustained a serious injury as defined in Subsection (d) of Section 5102 of the Insurance Law of the State of New York.

21. That as a result of the foregoing, said plaintiff sustained damages in excess of Basic Economic Loss as defined by Article 51 of the Insurance Law of the State of New York.

22. That as a result of the aforesaid negligence of the aforesaid defendant driver in causing the aforementioned collision, plaintiff suffered injuries to her head, neck, back, limbs and body, being rendered sick, sore, lame and disabled, being caused to suffer great pain and was obliged to expend large sums of money for the treatment of said injuries, all of which she is informed and verily believes are of a permanent nature, all to her damage in an amount which exceeds the jurisdiction limit of all lower Courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff demands judgment against the defendants in an amount which exceeds the jurisdiction limit of all lower Courts which would otherwise have jurisdiction; together with the costs and disbursements of this action; and for such other and further relief as the Court deems just and proper.

DATED: Buffalo, New York
July 13, 2022

Yours, etc.



Brian J. Alterio, Esq.
SMALL LAW FIRM
Attorneys for Plaintiff
1904 Liberty Building
Buffalo, New York 14202
(716) 847-2600